

Adaptor 2: 5' CAGATCCCGGGATCTGCG 3'
GCGTCTAGGGCCCTAGACGC--

In compliance with 37 C.F.R. § 1.823(a), please substitute the attached paper copy of the Sequence Listing for the originally filed Sequence Listing on pages 37-45 of the specification. Kindly renumber the pages of the specification accordingly.

IN THE CLAIMS:

Please cancel claims 2-24 without prejudice or disclaimer of the subject matter recited therein.

Please replace claim 1 with the following amended claim:

1. (Amended) An isolated DNA sequence serving as a genetic regulatory element in a chimeric gene, wherein said DNA sequence is the first intron (intron 1) of the 5' non-translated region of a plant H3.3 histone gene.

IN THE ABSTRACT:

Please delete the Abstract and insert the enclosed Abstract, which is properly on a separate sheet of paper, in place thereof.